



W.P.No.10115 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM :

The HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.10115 of 2023

and

W.M.P.Nos.10137 & 10138 of 2023

1.A.Kala @ Cala @ Kalavathy
2.R.B.Rajasekaran

.. Petitioners

vs

1.The Union of India
Rep. By the Chief Secretary to Government,
Government of Puducherry,
Puducherry.
2.The Excise Commissioner
Government of Puducherry,
Puducherry.
3.The Deputy Commissioner (Excise)
Government of Puducherry, Puducherry.

4.P.Geetha

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondent nos. 2 and 3 to include the names of both the petitioners in the I.M.F.L. Licence No.34/FL-2/Balaji Wines by giving effect to the preliminary decree dated 03.12.2018 passed in O.S.No.72 of 2006 on the file of Principal District Court, Puducherry as per the petitioner's representation dated 02.03.2023.



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For Petitioners : Ms.Hema Sampath,
Senior Counsel
for Mr.E.Anbarasan

For Respondents : Mr.J.Kumaran
Additional Government Pleader
(Puducherry)

ORDER

The petitioners seek a mandamus directing respondent nos. 2 and 3 being Excise Commissioner and Deputy Commissioner (Excise) to include their names in I.M.F.L. Licence No.34/FL-2/Balaji Wines (licence in question).

2. According to them, this inclusion is supported by the preliminary decree dated 03.12.2018 passed in O.S.No.72 of 2006 by the Principal District Court, Puducherry.

3. In fact, the petitioners have made similar representation before R2 and since there would have to be an ascertainment of factual matrices in the matter, it would be appropriate that the matter is left in the hands of the Excise Commissioner for appropriate orders. The licence presently stands in the name of Tmt.Geetha, W/o.J.Poovaragavan and legal heir Late R.Balasundaram.

4. Learned Additional Government Pleader would accede to the receipt of representation dated 02.03.2023 by R2. He further



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submits that a copy of the said representation has been marked to R3 as well, who is the proper authority to consider the same.

5. Hence mandamus is issued to R3 to issue notice to the petitioners as well as the present holders of IMFL licence in question, hear them and consider the request under representation dated 02.03.2023 for inclusion of the petitioners names therein. This exercise shall be concluded within a period of 12 weeks from date of receipt of a copy of this order.

6. Writ petition stands disposed as above. No costs. Connected miscellaneous petitions are closed.

31.03.2023

Index:Yes/No
Neutral Citation:Yes
ssm

To

- 1.The Chief Secretary to Government,
Government of Puducherry,
Puducherry.
- 2.The Excise Commissioner
Government of Puducherry,
Puducherry.
- 3.The Deputy Commissioner (Excise)
Government of Puducherry, Puducherry.



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DR. ANITA SUMANTH,J.

ssm

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